IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRA DIVISION

LINGJIA CAI AND YONGFANG XIANG, Plaintiffs, v. **MAOLIN ZHANG,** Defendant.	Case No. __ **ORIGINAL COMPLAINT** **DEMAND FOR JURY TRIAL**

IN RE: 111xin2.com; 222xin2.com; 333xin2.com; 444xin2.com; 555xin2.com; 666xin2.com; 7422.com; 777xin2.com; 797979.com; 888xin2.com; 999xin2.com; cheng11.com; cheng111.com; cheng222.com; cheng33.com; cheng333.com; cheng444.com; cheng55.com; cheng555.com; cheng666.com; cheng77.com; cheng777.com; cheng88.com; cheng99.com; fa888.com; long00000.com; long11111.com; long22222.com; long33333.com; long44444.com; long55555.com; long66666.com; long77777.com; long88888.com; long99999.com; my1898.com; new2.com; xin2.com; xin2.net; yhgj.com; 7-q.com; bx111222.com; bx222333.com; bx333444.com; bx444555.com; bx555666.com; bx666777.com; bx777888.com; bx888999.com; h1898.com; hg1669.com; hg1895.com; hg1896.com; hg1898.com; hg1898.net; hggjw.com; hggjw.net; hhhggg.com; hhhggg.net; hhhggg.org; ok888999.com; sjb1122.com; sjb1133.com; sjb1144.com; sjb1155.com; sjb6699.com; yh111222.com; yh1122.com; yh1133.com; yh1144.com; yh1155.com; yh1555.com; yh1666.com; and yh6789.com.

This is an action under the Anticybersquatting Consumer Protection Act ("ACPA") 15 U.S.C. § 1125(D) in which Plaintiffs Lingjia Cai and Yongfang Xiang ("Plaintiffs") makes the following allegations against Maolin Zhang ("Defendant").

PARTIES

1. Plaintiff Lingjia Cai is an individual and resident at No. 11, Twelfth Heng Lane, Meiermeixi New Village, Huicheng Town, Huilai County, Guangdong Province, China.

2. Plaintiff Yongfang Xiang is an individual and resident at Group 5, Shiying Village, Zengjia Town, Chaotian District Guangyuan City, Sichuan Province, China.

3. Upon information and belief, Defendant uses the name of Maolin Zhang and gave the fake address Luxian Hyun beach town, Two cell attachment Lake Road No. 43, No., Chongqing Sichuan 646105 CN.

JURISDICTION AND VENUE

4. This Court has *in rem* jurisdiction over the subject websites pursuant to the Anticybersquatting Consumer Protection Act (ACPA), 15 U.S.C. §1125(d) insofar as the registry for the Domain Names, VeriSign, is located within this judicial district at 12061 Bluemont Way, Reston, VA 20190.

5. This Court also has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 as this action arises under the Anticybersquatting Consumer Protection Act (ACPA), 15 U.S.C. § 1125(d).

6. The Declaratory Judgment Act, 28 U.S.C. §2201 provides for a declaration of the rights of the Plaintiffs in this matter.

NOTICE

7. Pursuant to 15 U.S.C. § 1125(d)(2)(A)(ii)(II)(aa), notice of the filing of this complaint and application for injunctive relief is being sent to the Defendant at the postal and email address to which there has previously been no response as well as the current WHOIS address on the subject Domain Names which is GoDaddy.com, Transfer Dispute Support Staff, Corporate Headquarters, 14455 N. Hayden Rd., Ste. 226, Scottsdale, Arizona 85260 and transferdisputes@godaddy.com. *See* Decl. Krystal McCool, ¶ 4-5, attached hereto as Exhibit 1.

8. Plaintiffs are providing notice contemporaneously with the filing of this complaint. Pursuant to 15 U.S.C. § 1125(d)(2)(A)(ii)(II)(bb), Plaintiffs will promptly publish notice of this

action as the court may direct after filing of this Complaint. A request to waive service pursuant to Rule 4(d) of the Federal Rules of Civil Procedure is being sent as well.

FACTUAL BACKGROUND

9. Plaintiffs are the rightful owner of the accounts (Customer Nos. 102576064 and 102576064 at GoDaddy.com) as of September 25, 2016 and jointly own the seventy-four domain names ("Domain Names") and associated trademarks (the "Marks"). *See* Declaration of Lingjia Cai ("Cai Decl.), at ¶ 4, attached hereto as Exhibit A; Declaration of Yongfang Xiang ("Xiang Decl.), at ¶ 4, attached hereto as Exhibit B.

10. The Domain Names and Marks were used in commerce in conjunction with online services by the Plaintiffs as early as December 2012. Cai Decl. at ¶ 9. The Plaintiffs owned and used the domain names in commerce until the domain names were unlawfully taken without consent into Defendant's control around September 25, 2016. Cai Decl. at ¶¶ 9-10; Xiang Decl. at ¶¶ 9-10. The websites have generated $3000 in revenue and 300 visits on average each month since their first operations. *Id*.

11. Forty of the Domain Names were acquired and transferred to the account (Customer No. 102576064) under Plaintiffs' ownership. Cai Decl. at ¶ 5-6.

12. Thirty-four of the Domain Names were acquired and transferred to the account (Customer No. 102571972) under Plaintiffs' ownership. Xiang Decl. at ¶ 5-6.

13. The illegal transfer of the Domain Names occurred around September 25, 2016, by an individual identified as "Maolin Zhang," (email: 88145com@gmail.com). Cai Decl. at ¶ 7-8, Xiang Decl. at 7-8.

14. The hacking was immediately reported to GoDaddy.com, LLC ("GoDaddy"), which owns GoDaddy.com, by Plaintiffs. Some of the originally stolen domains (6979.com,

hghgyhyh.com, 90328.com and hghg.com) were returned to Xiang due to the fact that the hacker forgot to the change the registrant for these domains. Plaintiffs' counsel contacted GoDaddy on November 17, 2017. However, the request to return the remaining 74 Domain Names were rejected because the registrant was already changed to "Maoling Zhang."

15. The Domain Names were transferred to Defendant's GoDaddy.com account. Plaintiffs did not consent to or authorize this transfer. Cai Decl. at ¶ 10; Xiang Decl. at ¶ 10.

16. It is believed the hacker hacked into Plaintiffs' GoDaddy.com accounts and then transferred the Domain Names away from Plaintiffs' accounts to his own. Cai Decl. at ¶ 8-9; Xiang Decl. at ¶ 8-9.

17. Plaintiff Ms. Xiang has regained control of his GoDaddy.com account, but Mr. Cai's account remain inaccessible. The Domain Names are still under control of Defendant. Cai Decl. at ¶ 10; Xiang Decl. at ¶ 10.

18. Plaintiffs have retained this law firm to retrieve the Domain Names and take legal action against those responsible for the illegal transfer.

COUNT I
CLAIM FOR DECLARATORY JUDGMENT

19. Plaintiffs repeat and reallege all previous statements made herein of this Complaint as if fully set forth herein.

20. Plaintiffs had a contract with GoDaddy for control over the Domain Name.

21. Defendant's actions have taken control of the subject domain from Plaintiffs.

22. The Declaratory Judgment Act, 28 U.S.C. § 2201, provides for declaration of the rights of the Plaintiffs in this matter.

COUNT II
ANTICYBERSQUATTING CONSUMER PROTECTION ACT, 15 U.S.C. § 1125(D)

23. Plaintiffs repeat and reallege all previous statements herein of this Complaint as if fully set forth herein.

24. Plaintiffs are the owner of the Marks, which are protected under 15 U.S.C. § 1125(a) and (d).

25. Plaintiffs owned and used the Domain Names and Marks in commerce since their registration until the Domain Names were unlawfully transferred without Plaintiffs' consent to Defendant's control.

26. The Domain Names are identical to and/or confusingly similar to the Marks owned by Plaintiffs.

27. Defendant has transferred and registered the Domain Names, trafficked in, and/or used Plaintiffs' Marks and Domain Names and has done so with bad faith intent to profit from the Marks and Domain Names.

28. Plaintiffs, because of Defendant's actions are being prevented from using and exercising control over the subject Domain Names and Marks.

29. Plaintiffs are being harmed by not having access to their Domain names or Marks.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs demand judgment against the Defendant, as follows:

1. Declaring that Plaintiffs are the only entity with any rights to the contract controlling the subject Domain Names.

2. Declaring Defendant does not have any rights to the subject Domain Names.

3. ORDERING GoDaddy.com to return control of the Domain Names to Plaintiffs' account as instructed by Plaintiffs' counsel.

4. Granting such other and further relief to Plaintiffs as this Court deems just and proper.

DATED May 5, 2017.

Respectfully submitted,

By: */s/ Steven War*
Steven War (VSB # 45048)

McNeely, Hare & War LLP
5335 Wisconsin Ave, NW, Suite 440
Washington, DC 20015
Tel: (202) 536-5877
Fax: (202) 478-1813
e-mail: steve@miplaw.com

By: /s/ *Stevenson Moore*
Timothy T. Wang
Texas Bar No. 24067927
twang@nilawfirm.com
Stevenson Moore V
Texas Bar No. 24076573
smoore@nilawfirm.com

NI, WANG & MASSAND, PLLC
8140 Walnut Hill Ln., Ste. 500
Dallas, TX 75231
Tel: (972) 331-4600
Fax: (972) 314-0900

ATTORNEYS FOR PLAINTIFFS LINGJIA CAI AND YONGFANG XIANG